

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SCOTT LOWE,
Plaintiff,

v.

USMS JEFFERSON, et al.,
Defendants.

Case No.: 2:23-cv-00211-GMN-BNW

ORDER

On February 9, 2023, pro se plaintiff Scott Lowe, an inmate in the custody of the U.S. Marshals Service, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff's application to proceed *in forma pauperis* is incomplete because he did not submit a completed financial certificate with the application. Rather, Plaintiff states that staff have refused to sign his financial certificate. (ECF No. 1 at 3).

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C. § 1915(b). To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy

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1 of the inmate's prison or jail trust fund account statement for the previous six-month
2 period. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2.

3 In the event Plaintiff is having difficulty obtaining the required completed financial
4 certificate from detention officials, Plaintiff will file a declaration detailing when he
5 requested the document, who he spoke to about the status of the document, who he
6 followed up with about the document, and their responses. Plaintiff's declaration must
7 include dates of his requests, dates of his follow-up requests, names of the detention
8 officials that he spoke to about the matter, and their responses. If Plaintiff's declaration
9 demonstrates that he has done all that was possible to acquire a completed financial
10 certificate from detention officials, the Court will consider his application to proceed *in*
11 *forma pauperis* complete.

12 II. CONCLUSION

13 It is therefore ordered that Plaintiff has **until March 24, 2023** to either pay the full
14 \$402 filing fee, file a new fully complete application to proceed *in forma pauperis* with all
15 three required documents, or alternatively if Plaintiff is not able to obtain a completed
16 financial certificate from detention officials, file a declaration detailing the efforts that he
17 took to acquire the financial certificate from detention officials.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
19 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
20 refile the case with the Court, under a new case number, when Plaintiff can file a complete
21 application to proceed *in forma pauperis* or pay the required filing fee.

22 The Clerk of the Court is directed to send Plaintiff the approved form application to
23 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
24 complaint (ECF No. 1-1) but not file it at this time.

25 DATED: February 24, 2023.

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UNITED STATES MAGISTRATE JUDGE